

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

VINCENT MAURICE TEASLEY, JR.,

Plaintiff,

vs

PONTIAC, CITY OF, ET AL,

Defendants.

CASE NO: 2:04-CV-73973

HONORABLE ARTHUR J. TARNOW

MAGISTRATE MONA K. MAJZOUN

**ORDER GRANTING DEFENDANTS' MOTION SEEKING OVERDUE
DISCOVERY AND DENYING PLAINTIFF'S MOTION FOR SANCTIONS**

Before the Court is Defendants' Motion Seeking Overdue Discovery and Sanctions filed on September 31, 2005. On October 20, 2005 the Honorable Arthur J. Tarnow referred this matter to the undersigned for hearing and determination pursuant to 28 USC 636(b)(1)(A). On November 15, 2005 the Court issued an Order Granting Plaintiff's Ex Parte Motion for Additional Time to Respond to the Motion to Compel and for Sanctions, extending Plaintiff's response time to Defendant's motion to November 29, 2005 and noticing this matter for oral argument on December 08, 2005 at 1:00 p.m. Plaintiff's Response and Brief were filed on November 29, 2005. On December 05, 2005 Defendants filed their Reply in Support of their Motion Seeking Overdue Discovery and Sanctions pursuant to FRCP 27. Defendants appeared through their counsel for oral argument. Counsel for Plaintiff failed to appear notwithstanding several telephone calls made to his office advising of the scheduled hearing. After waiting 45 minutes, Defendants' motion was heard. Having considered Defendants' written Motion Seeking Overdue Discovery and Sanctions, Defendant's Brief in Support of said Motion, Plaintiff's Response and Brief, and Defendant's Reply,

and oral argument having been presented by the moving party, the Court being otherwise fully advised in the premises:

IT IS HEREBY ORDERED that:

1. On or before Thursday, January 05, 2006, Plaintiff will provide Rule 26(a)(1) disclosures to Defendants;

2. On or before Thursday, January 05, 2006, Plaintiff will provide to Defendants supplemented and sworn Answers to Interrogatories six and eight of Officer Berry's First Set of Interrogatories dated April 15, 2005;

3. On or before Thursday, January 05, 2006, Plaintiff will provide to Defendants a supplemented and sworn answer to Interrogatory two of Defendant Aguillera's First Set of Interrogatories dated September 30, 2005;

4. On or before Thursday, January 05, 2006, Plaintiff will provide to Defendants all documents responsive to Defendant Aguillera's Requests for Production of Documents dated September 30, 2005;

5. On or before Thursday, January 05, 2006, Plaintiff will provide to Defendants (i) sworn answers to Officer Hermans' Second Set of Interrogatories dated September 30, 2005, and (ii) written responses and all documents responsive to Officer Hermans' Requests for Production of Documents to Plaintiff dated September 30, 2005;

6. On or before Thursday, January 05, 2006, Plaintiff will provide to Defendants (i) sworn answers to Officer Berry's Second Set of Interrogatories dated September 30, 2005, and (ii) written responses and all documents responsive to Officer Berry's Requests for Production of Documents to Plaintiff dated September 30, 2005;

7. On or before Thursday, January 05, 2006, Plaintiff will provide to Defendants (i) sworn answers to The City of Pontiac's Second Set of Interrogatories dated September 30, 2005, and (ii) written responses and all documents responsive to The City of Pontiac's Requests for Production of Documents to Plaintiff dated September 30, 2005;

8. Plaintiff will appear for his continued deposition at the offices of Butzel Long (100 Bloomfield Hills Parkway, Suite 200, Bloomfield Hills, Michigan 48304) at a date and time mutually agreed upon by Plaintiff and Defendant, but no later than at 1:00 p.m. on Friday, January 6, 2006. Defendants' examination of Plaintiff is limited to those matters directly related to the discovery addressed in Paragraphs 1 through 7 of this Order;

9. The document entitled Plaintiff's First Response to Defendants' Requests for Admission, which Plaintiff attached to his responsive motion papers, was improperly filed and submitted to the Court, and will not be considered by this Court.

10. This Court recommends that the dispositive motion deadline be extended to Monday, February 6, 2006, and will consult with Judge Tarnow regarding same.

11. The Court, having taken the issue of sanctions under advisement at oral argument, hereby denies Defendant's motion for Sanctions without prejudice.

IT IS SO ORDERED.

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: December 20, 2005

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Order was served upon Counsel of Record on this date.

Dated: December 20, 2005

s/ Lisa C. Bartlett
Courtroom Deputy